UNITED STATES PATENT AND TRADEMARK OFFICE

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10/648,999	08/27/2003	Mark Stuart Day	CIS03-35(7193)	4356

7590 02/02/2007	EXAMINER
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/648,999	DAY, MARK STUART
	Examiner	Art Unit	
	Kenny Lin	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-30 are presented for examination.

2.   Applicant's arguments, filed on 11/20/2006, with respect to the rejection(s) of claim(s) 1-

30 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made (see

rejection below).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 3, 7-8, 10, 14-17, 2-2, 24, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Sylvain, US 2004/0122901, in view of Mathis, US 2003/0083046.

5.   Sylvain was cited in the previous office action.

6.   As per claims 1, 8 and 15-16, Sylvain taught the invention substantially as claimed

including a computerized device comprising:

a. At least one communication interface (presence clients 24 associated with

subscribers);

b. A controller (pp. 0036: presence system 20 includes control system 52, fig.2); and

c. An interconnection mechanism coupling the at least one communications

interface and the controller (pp. 0036: *subscriber management logic 56 facilitates*

and controls interaction with integrated presence clients 24 associated with

subscribers, fig.1: connection between client 24 and presence system 20);

d. Wherein controller is configured to:

    i. Receive, from the content subscriber, a subscription request for presence

       information (pp. 0026-0028: *the integrated presence client 24 subscribes*

       to the integrated presence system 20 and identifies the users whose

       presence information is desired. The integrated presence system will

       accept these subscriptions as well as register participating users and their

       associated devices);

    ii. Transmit the notification message to the content subscriber in response to

       receiving the subscription request (pp. 0053: steps 408, 410, 412 and 414),

       allowing the content subscriber to subscribe to the presence information

       (pp. 0051-0053).

7.   Sylvain did not specifically teach to *insert an address* within a notification message, the

address relating to presence information transmitted using a one-to-many transmission channel;

and the address of the notification message allowing the content subscriber to subscribe to the

presence information using the one-to-many transmission channel. Mathis taught to insert a

multicast address within a message wherein the address is related to the presence information

and allow the content subscriber to subscribe to the presence information using a one-to-many

transmission channel (pp. 0005-0006, 0012). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the teachings of Sylvain and Mathis

because Mathis' teaching of multicasting presence information to a plurality of devices enables

Sylvain's system to effectively update presence information about members of a contact list in a

wireless network (see Mathis pp. 0004).

8.   As per claims 17, 22 and 27-28, Sylvian taught the invention substantially as claimed

including a content subscriber comprising:

> a. At least one communications interface (presence clients 24 associated with
>
>   subscribers);
>
> b. A controller (pp. 0036: presence system 20 includes control system 52, fig.2); and
>
> c. An interconnection mechanism coupling the at least one communications
>
>   interface and the controller (pp. 0036: subscriber management logic 56 facilitates
>
>   and controls interaction with integrated presence clients 24 associated with
>
>   subscribers, fig.1: connection between client 24 and presence system 20);
>
> d. Wherein controller is configured to:
>
>   > i. Transmit, via the at least one communications interface, a first
>   >
>   >   subscription request for presence information to a computerized device
>   >
>   >   (pp. 0026-0028: the integrated presence client 24 subscribes to the

integrated presence system 20 and identifies the users whose presence

information is desired. The integrated presence system will accept these

subscriptions as well as register participating users and their associated

devices);

    ii. Receive, via the at least one communications interface, in response to

transmitting the subscription request, a notification message from the

computerized device (pp. 0051-0053: steps 408, 410, 412 and 414).

9.   Sylvain did not specifically teach that the notification message having an address relating

to presence information transmitted using a one-to-many transmission channel, and to transmit a

second subscription request for presence information using the one-to-many transmission

channel. Mathis taught to insert an address within a notification message wherein the address is

related to the presence information and allow the content subscriber to subscribe to the presence

information using a one-to-many transmission channel by transmitting a second subscription

request for presence information (pp. 0005-0006, 0012, 0022-0023). It would have been obvious

to one of ordinary skill in the art at the time the invention was made to combine the teachings of

Sylvain and Mathis because Mathis' teaching of multicasting presence information to a plurality

of devices enables Sylvain's system to effectively update presence information about members

of a contact list in a wireless network (see Mathis pp. 0004).

10.   As per claims 3 and 10, Sylvain and Mathis taught the invention substantially as claimed

in claims 1 and 8. Mathis further taught the step of inserting comprises inserting a plurality of

address within the notification message, each of the plurality of addresses relating to presence information transmitted using a corresponding one-to-many transmission channel (pp. 0012, 0021-0022).

11.   As per claims 20 and 24, Sylvain and Mathis taught the invention as claimed in claims 17 and 22. Mathis further taught the step of receiving comprises receiving a notification message from the computerized device, the notification message having a plurality of addresses, each of the plurality of addresses relating to presence information transmitted using a corresponding one-to-many transmission channel and further comprising selecting a one-to-many transmission channel for reception of the presence information (pp. 0012, 0021-0022).

12.   As per claims 7 and 14, Sylvain and Mathis taught the invention substantially as claimed in claims 1 and 8. Mathis further taught that:

     a. The step of inserting comprises inserting the address within the notification message in response to receiving the subscription request, the address relating to presence information transmitted using a multicast transmission channel (pp. 0005-0006, 0012, 0022-0023); and

     b. The step of transmitting comprises transmitting the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the multicast transmission channel (pp. 0012, 0022-0023).

13.   As per claims 21 and 26, Sylvain and Mathis taught the invention substantially as

claimed in claims 17 and 22. Mathis further taught that:

      a. The step of receiving comprises receiving, in response to transmitting the

          subscription request, a notification message from the computerized device, the

          notification message having an address relating to presence information

          transmitted using a multicast transmission channel (pp. 0005-0006, 0012, 0022-

          0023); and

      b. The step of transmitting a second subscription request comprises transmitting the

          second subscription request for presence information using the multicast

          transmission channel (pp. 0012, 0022-0023).

14.   As per claim 30, Sylvain and Mathis taught the invention substantially as claimed in

claim 17. Mathis further taught that transmitting a first subscription requests comprises:

Transmitting a first subscription request for presence information to a computerized device,

wherein the first subscription request is a subscription request for updates on presence

information (pp. 0022-0023: updated presence information).

15.   Claims 2, 9, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sylvain and Mathis as applied to claims 1, 8, 17 and 22 above, and further in view of Costa-

Requena et al (hereinafter Costa), US 2004/0098491.

16.   Costa was cited in the previous office action.

17.   As per claims 2 and 9, Sylvain and Mathis taught the invention substantially as claimed

in claims 1 and 8. Mathis further taught the step of inserting further comprises inserting an

address identifier within the notification message (pp. 0021). Sylvain and Mathis did not

specifically teach that the address identifier to indicate the availability of the address within the

notification message. Costa taught to indicate the availability of the presence information and

the address of the presence information (pp. 0028). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of Sylvain,

Mathis and Costa because Costa's teaching of indicating the availability of the address enables

Sylvain and Mathis' system to inform the subscriber whether the presence information is

available.

18.   As per claims 18 and 23, Sylvain and Mathis taught the invention substantially as

claimed in claims 17 and 22. Mathis further taught the step of receiving further comprises

receiving an address identifier within the notification message (pp. 0005-0006, 0021) and:

  a.   Examining the address identifier (pp. 0021);

  b.   When identifying the address identifier in response to examining, utilizing the

       address to transmit the second subscription request for presence information using

       the one-to-many transmission channel (pp. 0022-0023).

19.   Sylvain and Mathis did not specifically teach that the address identifier to indicate the

availability of the address within the notification message. Costa taught to indicate the

availability of the presence information and the address of the presence information (pp. 0028).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of Sylvain, Mathis and Costa because Costa's teaching of indicating the

availability of the address enables Sylvain and Mathis' system to inform the subscriber whether

the presence information is available at the directed address. Furthermore, it would have been

obvious to one of ordinary skill in the art to save time and ignore the notification message when

there exist an indication indicating that the presences information address inserted in the message

is not available.

20.   Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvain

and Mathis as applied to claims 1 and 8 above, and further in view of Barbir et al (hereinafter

Barbir), US 2003/0115283.

21.   Barbir was cited in the previous office action.

22.   As per claims 4 and 11, Sylvain and Mathis taught the invention substantially as claimed

in claims 1 and 8. Mathis further taught that the step of receiving comprises receiving a plurality

of subscription requests for presence information from a plurality of subscribers and the step of

transmitting comprises transmitting the notification message to a portion of the subscribers, the

address of the notification message allowing the portion of the subscribers to subscribe to the

presence information using the one-to-many transmission channel (abstract, pp. 0005-0006,

0012, 0021-0023). Sylvain and Mathis did not specifically teach in detail to:

      a. Detect a size characteristic of the plurality of content subscribers;

      b. Compare the size characteristic to a threshold condition.

23.   Barbir taught to redirect subscriber requests according to content server load and to detect a size characteristic of the plurality of content subscribers and compare the size characteristic to a threshold condition in determine the server load (abstract, pp. 0006-0007, 0010, 0013-0016, 0031). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sylvain, Mathis and Barbir because Barbir's teaching of determining size characteristics of the content subscribers helps Sylvain and Mathis system to determine server loads and efficiently redirect the incoming requests to prevent server overload.

24.   Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvain, Mathis and Barbir as applied to claims 5 and 11 above, and further in view of Bobde et al (hereinafter Bobde), US 2003/0217099.

25.   Bobde was cited in previous office action.

26.   As per claims 5 and 12, Sylvain, Mathis and Barbir taught the invention substantially as claimed in claims 4 and 11. Sylvain, Mathis and Barbir did not specifically teach to transmit a nullify notification message to a content subscriber subscribed to the presence information using the one-to-many transmission channel, the nullify notification message having a one-to-one address relating to presence information transmitted using a one-to-one transmission channel;

and receive a second subscription request from the content subscriber for presence information

using the one-to-one transmission channel. Bobde taught to comprise: transmitting a nullify

notification message to a content subscriber subscribed to the presence information using the

one-to-many transmission channel, the nullify notification message having a one-to-one address

relating to presence information transmitted using a one-to-one transmission channel (pp. 0022,

0029-0030, 0040-0047); and receiving a second subscription request from the content subscriber

for presence information using the one-to-one transmission channel (pp. 0044-0047). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of Sylvain, Mathis, Barbir and Bobde because Bobde's teaching of using

nullify message enables Sylvain, Mathis, Barbir's system to indicate the presence information is

empty.

27.   Claims 6, 13, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sylvain and Mathis as applied to claims 1, 8, 17 and 22 above, and further in view of Kinnunen

et al (Kinnunen), US 6,813,501.

28.   Kinnunen was cited in the previous office action.

29.   As per claims 6 and 13, Sylvain and Mathis taught the invention substantially as claimed

in claims 1 and 8. Sylvain further taught to comprise subscribing to the one-to-many

transmission channel for reception of the presence information (pp. 0022, 0029-0030). Sylvain

and Mathis did not specifically teach to receive an unsubscribe message from the content

subscriber in response to transmitting the notification message, the unsubscribe message indicating unsubscription from a one-to-one transmission channel for reception of the presence information. Kinnunen taught to use unsubscribe message to indicate unsubscription (col.14, lines 23-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sylvain, Mathis and Kinnunen because Kinnunen's teaching of using unsubscribing message enables the subscribers of Sylvain and Mathis' system to terminate their subscription when they no longer desire the presence information by sending a unsubscribing message and hence manually terminate the communication between the subscribers and the controller.

30.   As per claims 19 and 25, Sylvain and Mathis taught the invention substantially as claimed in claims 17 and 22. Sylvain further taught so subscribe to the one-to-many transmission channel for reception of the presence information (pp. 0022, 0029-0030). Sylvain and Mathis did not specifically teach to transmit an unsubscribe message to the presence server in response to receiving the notification message, the unsubscribe message indicating unsubscription from a one-to-one transmission channel for reception of the presence information. Kinnunen taught to use unsubscribe message to indicate unsubscription (col.14, lines 23-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sylvain, Mathis and Kinnunen because Kinnunen's teaching of using unsubscribing message enables the subscribers of Sylvain and Mathis' system to terminate their subscription when they no longer desire the presence information by sending a unsubscribing

message and hence manually terminate the communication between the subscribers and the

controller.

31.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvain, Mathis

and Kinnunen as applied to claim 6 above, and further in view of Bobde et al, (hereinafter

Bobde), US 2003/0217099, and Friedman, US 2004/0158608.

32.   Friedman was cited in the previous office action.

33.   As per claim 29, Sylvain, Mathis and Kinnunen taught the invention substantially as

claimed in claim 6. Sylvain, Mathis and Kinnunen did not specifically teach to track the number

of content subscribers using one-to-one transmission channel and the number of content

subscribers using one-to many transmission channel based on the number of unsubscribe

message received; and balance distribution of presence information between the one-to-one

transmission channel and the one-to-many transmission channel based on the number of content

subscribers using each channel. Bobde taught to track the number of content subscribers using

one-to-one transmission channel and the number of content subscribers using one-to-many

transmission channel based on the number of subscribe messages receive (pp. 0029: list of

addresses of subscribers). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Sylvain, Mathis, Kinnunen and Bobde

because Bobde's teaching of tracking subscribers enables Sylvain, Mathis and Kinnunen's

system to identify the subscribers on subscribing the presence information using the multicast

address. Sylvain, Mathis, Kinnunen and Bobde did not specifically teach to manage balance

distribution of presence information between the one-to-one transmission channel and the one-

to-many transmission channel based on the number of content subscribers using each channel.

Friedman taught to include a load balancer for the presence server to balance traffic between the

presence server and the subscribers (pp. 0029-0031). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of Sylvain,

Mathis, Kinnunen, Bobde and Friedman because Friedman's teaching of using a load balancer

enables Sylvain, Mathis, Kinnunen and Bobde's system to balance presence information and

updated presence information to the users and properly handle traffic load (see Friedman pp.

0030).

34.   Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvain and

Mathis as applied to claims 1 and 8 above, and further in view of Hughes, US 6,122,372.

35.   As per claims 31 and 32, Sylvain and Mathis taught the invention substantially as

claimed in claims 1 and 8. Sylvain and Mathis did not specifically teach that each address within

the notification message includes a tag indicating a particular communications protocol and

wherein the content subscriber is configured to communicate according to the communications

protocol identified by said tag such that multiple protocols are utilizable by a plurality of

independently-implemented content subscribers. Hughes taught to use protocol tags within

messages to indicate a particular communication protocol of the messages and wherein the

content subscriber is configured to communicate according to the communications protocol

identified by the tag such that multiple protocols are utilized by a plurality of independently-implemented content subscribers (col.9, lines 25-32, 35-36, 58-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sylvain, Mathis and Hughes because Hughes' teaching of using protocol tags enables Sylvain and Mathis' system to determine the specific protocol to sending the messages.

Response to Arguments

36.   Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

37.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu et al, US 2004/0258046.

Kokot et al, US 2004/0258003.

Sinnarajah et al, US 6,876,636.

38.   A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

39.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

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January 29, 2007